EPCRA Enforcement

Betty Ruth Fox
Watkins & Eager
Federally enforced by EPA

Inspections are unannounced and inspectors are contract employees

Credentials should be verified

Contact Robert Bookman - Chief of the Chemical Management and Emergency Planning Section for Region 4 - EPA
https://yosemite.epa.gov/oa/rhc/epaadmin.nsf

Significant Penalties
* Systematic Discovery
* Voluntary, Prompt (21 day) Disclosure Independent of Government
* Correct in 60 Days and Prevent Recurrence
* No Repeat Violations (past 3 years)
* Excludes Violations that result in serious harm or imminent and substantial endangerment
* Must Cooperate

* Self Audits - No Gravity Penalty or Recommendation for Criminal
* 100 or fewer employees
* Voluntary discovery /audit even with Government Assistance
* Correct in 90 days or 180 days with written schedule (up to 360 days with pollution prevention)
* Supplemental Environmental Projects (SEPs) are common
* SEPs to address emergency planning, preparedness, training and equipment purchases
* SEPs to reduce or eliminate a reportable chemical from the facility’s process
* Automatic Processing of Self-Disclosed Civil Violations of Environmental Law
* Focus on EPCRA Violation Disclosure
* Category I Violations - automatic issuance of an electronic Notice of Determination (eNOD) - Resolved with No Penalties
* Category II Violations - automatic issuance of an Acknowledgement Letter (AL)
* Disclose within 21 days and certify compliance within 60 days (or 90 days for small business)
* Caveat - No CBI via eDisclosure

* **EPA’s eDisclosure**
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* Questions?